

LAWYERS' ADVISORY COMMITTEE MINUTES

September 20, 2005

TRENTON, NJ

Chairperson Joe Casello opened the meeting with Judges Wizmur, Ferguson, Lyons and Steckroth in attendance.

1. The minutes from the June 8, 2005 LAC meeting were approved.

2. Committee Reports:

a. Administrative Claims Committee:

Warren Martin, Chairman of the administrative claims committee presented a draft version of a local rule providing a mechanism for requesting payment of an administrative claim in a Chapter 11 or 7. Warren stated that New Jersey may be the first jurisdiction in the country with a local rule for payment of administrative claims.

It was suggested that a copy of the local rule and form 23 be mailed to all LAC members for review and comment and that the LAC vote on the matter at the December meeting.

b. Unauthorized Practice of Law Committee and Pre-signed certifications

Judge Ferguson reported that Judge Stern is currently dealing with the issue of pre-signed certifications. As a result, this matter was not reviewed further.

c. Clerk's Report

Jim Waldron reported an increase in filings in Newark, but not in Trenton and Camden. He stated that after October 17, filings were expected to drop. He said that forms are being developed by the Trustee's office for means testing. He said the Court would close down just after midnight on 10-17-05 to install new software and then open later that day.

At the conclusion of the meeting, Jim had some announcements to make on issues involving the new law, including consequences for not filing a credit counseling certificate, privacy guidelines regarding tax returns, presumptions of abuse, and a new form of reaffirmation agreement being reviewed in New Mexico.

d. Liaison Reports

US Trustee: It was reported that more 341 hearing days would be added in Newark. It was also reported that Anthony Sodano would be responsible for Chapter 11 cases and Martha Hildebrandt would be responsible for consumer cases. It was also reported that four credit counseling agencies had be approved.

District Court: Frank Vecchione was not in attendance

NJ Bar Bankruptcy Section: Barry Frost was not present

e. Old Business

A discussion continued on the issue of computation of interest on claims. It was concluded that the LAC had no authority to make any recommendations in this area and the matter was dropped.

f. New Business

Fee Application Procedures for All Chapters

A discussion began on a procedure for applying for fees. On approach was for a “project based” fee application. For example, it was stated that you may start many preference actions and apply for a fee. It was suggested that there be a revision in the manner in which all fee applications done. A committee to review the matter and make recommendations was formed, consisting of Leonard Wizmur, Warren Martin, Nona Ostrove, Bruce Beuchler, Martha Hildebrandt Valerie Hamilton and Pat Staiano.

Closing Remarks:

The next meeting was scheduled for 12-6-05 at a location to be announced.